

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KRISTINA MIKHAYLOVA,

*Plaintiff,*

v.

BLOOMINGDALE’S, INC., BLOOMINGDALE’S, INC. d/b/a BLOOMINGDALE’S AND FORTY CARROTS, BLOOMINGDALE’S, LLC, BLOOMINGDALE’S, LLC d/b/a BLOOMINGDALE’S NEW YORK, MACY’S, INC., MACY’S, INC. d/b/a MACY’S OF NEW YORK, UNITED STOREWORKERS RETAIL, WHOLESALE AND DEPARTMENT STORE UNION AFL-CIO LOCAL 3 a/k/a LOCAL 3 UNITED STOREWORKERS RWDSU/UFCW, DENNIS DIAZ, individually, CHRISTOPHER CASTELLANI, individually, RICHARD LAW, individually, and BOBBY BOOKER, individually,

*Defendants.*

Case No. 1:19-cv-08927-GDB-SLC

**NOTICE OF APPLICATION  
FOR COSTS SOUGHT  
AGAINST PLAINTIFF**

**PLEASE TAKE NOTICE** that Defendants, Bloomingdale’s, LLC (formerly Bloomingdale’s, Inc.), Macy’s, Inc. and Christopher Castellani (hereinafter collectively, the “Defendants”) Bill of Costs, the Declaration of Steven Gerber dated December 6, 2023, and the exhibits annexed thereto, and all other pleadings and proceedings herein, the Defendants will move before the Judgment Clerk, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, NY 10007, on December 20, 2023 at 9:30 a.m., or as soon thereafter as counsel may be heard, at a time and date to be determined as convenient by the Court, for an order pursuant to Rule 54 of the Federal Rules of Civil Procedure, Local Civil Rule 54.1, and 28 U.S.C. § 1920 granting fees and costs sought by the Defendants and granting such other relief that this Court deems proper.

Dated: Fairfield, New Jersey  
December 6, 2023

Respectfully submitted,

By: /s/ Steven Gerber  
Steven Gerber  
BARTON GILMAN  
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Fairfield, New Jersey 07004  
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By: /s/ Betty Thorne Tierney  
Betty Thorne Tierney (admitted *Pro Hac Vice*)  
MACY'S, INC. LAW DEPARTMENT  
11477 Olde Cabin Rd., Suite 400  
Creve Coeur, Missouri 63141  
Telephone: (314) 342-6728  
Email: betty.tierney@macys.com

*Attorneys for Defendants, Bloomingdale's, LLC,  
Macy's, Inc. and Christopher Castellani*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I caused to be served via CM/ECF, a true and correct copy of the foregoing Notice of Application for Costs Sought Against Plaintiff on:

Melissa Mendoza, Esq.  
Derek Smith Law Group PLLC  
1 Penn Plaza, Suite 4905  
New York, NY 10119  
*Attorney for Plaintiff, Kristina Mikhaylova*

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

/s/ Steven Gerber  
Steven Gerber

Dated: December 6, 2023